

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CHERYL ATWOOD)
)
Plaintiff,)
)
v.)
)
SEPRACOR, INC.,)
)
Defendant.)
)

Case No. 3:08-0865
Judge Nixon
Magistrate Judge Knowles

ORDER

On October 28, 2009 Order, Magistrate Judge Knowles gave Plaintiff Cheryl Atwood (“Plaintiff”) thirty (30) days to retain substitute counsel or notify the Court that she intended to proceed *pro se* in the above captioned matter. In response, Plaintiff submitted a letter to the Court on November 4, 2009 asking for a postponement of her target trial date of January 26, 2010, additional time to find new counsel and a new case management order upon retention of new counsel, submitting that she is having trouble finding new counsel because of the upcoming deadlines. On December 7, 2009, this Court allowed Plaintiff an additional thirty (30) day extension within which to find alternative counsel or proceed *pro se*. In response, Plaintiff submitted another letter stating generally that she has tried to find alternative counsel and requesting an additional extension of case management deadlines.

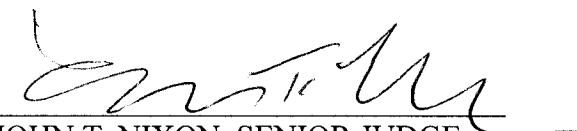
Plaintiff has had notice of her original attorney’s intention to withdraw since at least June 22, 2009. (See Doc. No. 15, “First Motion to Withdraw”). The Court granted Plaintiff’s attorney’s motion to withdraw on October 15, 2009. Notwithstanding Judge Knowles’s Order,

Plaintiff has therefore had over six months notice of her attorney's intent to withdraw and over two and a half month's notice of the necessity to retain alternate counsel or proceed *pro se*.

Plaintiff has had ample time in which to secure alternative counsel or notify the Court that she will proceed *pro se*. Therefore, this case is DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

Entered this 13 day of January, 2010.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT